

PROPOSED MAIL NOTICE

NOTICE OF COLLECTIVE ACTION LAWSUIT

MARTINEZ, ET AL. v. CARGILL MEAT SOLUTIONS CORP.

Case No. 4:09-cv-03079-RGK-DLP

United States District Court, District of Nebraska

TO: All current and former non-exempt, hourly production and support employees who have been employed at any time by Cargill Meat Solutions at the Schuyler, Nebraska processing facility during the time period April 23, 2006 to the present, and who use personal protective equipment.

RE: Lawsuit seeking alleged unpaid overtime compensation

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**PLEASE READ THIS NOTICE CAREFULLY. THIS NOTICE
COULD AFFECT YOUR LEGAL RIGHTS.**

I. INTRODUCTION

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which the Court has conditionally determined that you are “similarly situated” to the named Plaintiffs, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit, should you decide that it is appropriate and should you choose to do so.

II. DESCRIPTION OF THE LAWSUIT

On April 23, 2009, a lawsuit was filed against Defendant Cargill Meat Solutions (“Cargill”), on behalf of all hourly production and support workers at Cargill’s Schuyler, Nebraska meat-processing facility during the three years preceding the date on which the complaints were filed. The suits were filed in the United States District Court, District of Nebraska. The named Plaintiffs in this consolidated lawsuit are Juan Martinez and Antonio Guzman.

This lawsuit alleges that hourly production and support workers at Cargill’s Schuyler, Nebraska beef processing facility: 1) failed to receive payment for all hours worked, including, but not limited to, time spent putting on protective equipment and clothing and cleaning/preparing tools at the beginning of the day, and removing and cleaning such equipment, clothing, and tools at meals periods and at the end of the day; and 2) failed to receive overtime compensation for hours worked in excess of forty (40) hours per week. Plaintiffs seek to recover payment for all hours worked and payment for unpaid overtime, including the interest thereon, statutory penalties, reasonable attorneys’ fees and litigation costs on behalf of themselves and all similarly situated workers. The parties and the Court have agreed to issue notice of this lawsuit to all hourly production and support workers who worked at Cargill’s Schuyler, Nebraska beef processing facility at any point from April

23, 2006 to the present. Cargill has denied all allegations in this lawsuit.

III. YOUR RIGHT TO PARTICIPATE IN THIS SUIT

You may join this suit (that is, you may “opt in”) by mailing your completed and signed “Opt-In Consent Form” to counsel at the following address:

Rust Consulting
Attn: Cargill Wage & Hour Litigation
INSERT ADDRESS
INSERT ADDRESS

You must postmark your “Opt-In Consent Form” by **INSERT OPT-IN DEADLINE**. If you file an “Opt-In Consent Form,” your continued right to participate in this suit may depend upon a later decision by the District Court that you and the named Plaintiffs are actually “similarly situated” in accordance with federal law.

IV. EFFECT OF JOINING THIS SUIT

Under the Fair Labor Standards Act, your immigration status cannot be raised as a defense to the claims that Cargill has failed to pay its employees for all hours worked.

If you choose not to join in this lawsuit, you are free to file your own lawsuit. If you do not join the lawsuit and money is recovered on behalf of hourly workers, you will not receive a share of any money recovered. If the lawsuit is dismissed, voluntarily or by order of court, those who chose not to participate will be free to file their own lawsuit.

V. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. If you choose not to join in this lawsuit, you are free to file your own lawsuit.

VI. NO OPINION EXPRESSED AS TO THE MERITS OF THE CASE

This notice is for purposes of notifying Cargill’s hourly production workers that a lawsuit to recover unpaid wages has been filed on their behalf, and to advise them that they have a legal right to participate in this lawsuit. Although the United States District Court for the District of Nebraska has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiffs’ claims or Cargill’s defenses.

VII. NO RETALIATION PERMITTED

Federal law prohibits Cargill from discharging or discriminating against you as a result of your decision whether or not to participate in this lawsuit.

VIII. IMMIGRATION

You have a legal right to participate in this lawsuit regardless of whether you are in the United States legally or illegally. Participating in this lawsuit will not affect your ability to change your Immigration status or become an American Citizen. If you are living and/or working illegally, Cargill may not use your immigration status as a defense to the claims made in the lawsuit. **In the United States, all hourly workers have the right to receive pay for all hours worked regardless of immigration status.**

VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN

The names and addresses for counsel for the named Plaintiffs are:

Shanon J. Carson
Russ Henkin
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, Pennsylvania 19103
Tel: 1-800-424-6690
Fax: (215) 875-4604

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BRAYTON KONECKY LLP
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San Francisco, California 94115
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Fax: (415) 421-7105

****PLEASE NOTE****

There is a two (2) year deadline for filing overtime claims (or three (3) years if the violation was willful) running from the date(s) the overtime hours were actually worked. To maximize your recovery, return your "Opt-in Consent Form" as soon as possible so that your rights may be preserved.

PROPOSED POSTED NOTICE

ATTN: CURRENT AND FORMER HOURLY EMPLOYEES OF
CARGILL MEAT SOLUTIONS
NOTICE OF COLLECTIVE ACTION LAWSUIT

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Case No. 4:09-cv-03079-RGK-DLP

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RE: Lawsuit seeking alleged unpaid overtime compensation

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which the Court has conditionally determined that you are “similarly situated” to the named Plaintiffs. The lawsuit alleges that hourly production and support workers at Cargill’s Schuyler, Nebraska beef processing facility: 1) failed to receive payment for all hours worked, including, but not limited to, time spent putting on protective equipment and clothing and cleaning/preparing tools at the beginning of the day, and removing and cleaning such equipment, clothing, and tools at meal periods and at the end of the day; and 2) failed to receive overtime compensation for hours worked in excess of forty (40) hours per week. Cargill denies all allegations in the lawsuit. The Court has not made any determination regarding the merits of the lawsuit.

If you wish to join the lawsuit or have any questions about it, please contact:

Rust Consulting

Attn: Cargill Wage & Hour Litigation

INSERT ADDRESS

INSERT ADDRESS

INSERT 1-800 NUMBER

If you decide to join this lawsuit, your continued right to participate in this suit may depend upon a later decision by the District Court that you and the named Plaintiffs are actually “similarly situated” in accordance with federal law.

Federal law prohibits Cargill from discharging or in any other manner discriminating against you—including threatening your right to reside in or be citizen of the United States—should you decide to exercise your rights under the Fair Labor Standards Act and join this action.

****PLEASE NOTE****

There is a two (2) year deadline for filing overtime claims (or three (3) years if the violation was willful) running from the date(s) the overtime hours were actually worked. To maximize your recovery, return your “Opt-in Consent Form” as soon as possible so that your rights may be preserved.

PROPOSED RADIO NOTICE

ATTENTION CURRENT AND FORMER EMPLOYEES OF CARGILL MEAT SOLUTIONS'S PROCESSING FACILITY IN SCHUYLER, NEBRASKA!!

Important Legal Notice!

The lawsuit alleges that Cargill's production workers were not paid for all time spent getting dressed, undressed, putting on the protective equipment, cleaning the equipment and clothes and waiting in line to receive and to wash the equipment.

Cargill denies the accusations in this lawsuit.

If you work or worked at Cargill's Schuyler, Nebraska plant between April 23, 2006 and the present call today at _____, _____.

If you wish to have an opportunity to be a part of this lawsuit and possibly recover money, you must file a consent to join the lawsuit by _____.

You have the legal right to join this lawsuit, and you may not be discriminated or retaliated against as a result of your decision whether or not to join.

To learn more about the lawsuit,

Call today _____, _____, _____